

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,) No.: 1:20-cv-01406-ADA-SAB (PC)
Plaintiff,)
v.) ORDER GRANTING PLAINTIFF'S MOTION FOR
A. ROBLES, et al.,) EXTENSION OF TIME TO FILE OBJECTIONS,
Defendants.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATION AND GRANTING
) DEFENDANTS' EXHAUSTION MOTION FOR
) SUMMARY JUDGMENT
) (ECF Nos. 41, 47, 51)

Plaintiff Devonte B. Harris is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 29, 2022, the assigned Magistrate Judge issued findings and recommendations recommending that Defendants' motion for summary judgment for failure to exhaust the administrative remedies be granted. (ECF No. 47.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 9.) Plaintiff received a thirty-day extension of time to file objections on August 30, 2022. (ECF No. 50.) On October 11, 2022, Plaintiff filed an extension of time to file objections and separately filed objections to the findings and recommendations. (ECF Nos. 51, 52.) The Court grants Plaintiff's motion for an extension of time to file objections and now considers his objections.

Upon reviewing Plaintiff's objections, the Court finds that Plaintiff mistakes the issues. Plaintiff alleges that he raised the proper claims on appeal, but the appropriate issue is whether the claims are related. In essence, "Plaintiff continues to argue the allegations raised in CSPC-6-15-07451 constituted a single, related event." (ECF No. 47 at 8.) However, as stated in the findings and recommendations, "the authority to determine what constituted an improper appeal rests solely with CDCR officials." (*Id.*) Because CDCR officials determined the events constituted unrelated claims, Plaintiff's objections are unpersuasive.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. Plaintiff's motion for extension of time to file objections, (ECF No. 51), is granted;
 2. The findings and recommendations issued on July 29, 2022, (ECF No. 37), are adopted in full;
 3. Defendants' motion for summary judgment for failure to exhaust the administrative remedies is granted; and
 4. The Clerk of Court is directed to dismiss this action, without prejudice, for failure to exhaust the administrative remedies.

IT IS SO ORDERED.

Dated: August 29, 2023

